

**UNITED STATES DISTRICT COURT**  
**for**  
**EASTERN DISTRICT OF NORTH CAROLINA**  
**WESTERN DIVISION**

**U.S.A. vs. Tracy Scott Arnette**

**Docket No. 5:06-CR-115-3D**

**Petition for Action on Supervised Release**

COMES NOW Thomas E. Sheppard, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Tracy Scott Arnette, who, upon an earlier plea of guilty to Theft of Property in Excess of \$1,000 and Aiding and Abetting in violation of 18 U.S.C. §661 and 2, was sentenced by the Honorable James C. Dever III, U.S. District Judge, on August 4, 2008, to the custody of the Bureau of Prisons for a term of 8 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
2. The defendant shall cooperate in the collection of DNA as directed by the probation officer.

Tracy Scott Arnette was released from custody on May 4, 2009, at which time the term of supervised release commenced.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR  
CAUSE AS FOLLOWS:**

On September 23, 2009, the defendant was observed by the probation officer operating a motor vehicle without a valid driver's license. At that time, the defendant was instructed not to drive until he is properly licensed. On February 23, 2010, the defendant committed the offense of No Operator's License and Failure to Wear Seatbelt. On March 13, 2010, the defendant committed the offense of Driving While License Revoked. On April 8, 2010, the defendant committed the offense of Driving While License Revoked. Initially, the defendant claimed it was not him that was cited for these offenses, and he was provided a length of time to arrange to have the charges dismissed. However, he made no move to do so, and checks with the charging officers show that he was indeed the one who was cited. A three-day jail term should emphasize to the defendant that he is required to observe all laws. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

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**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 3 days as arranged by the probation office, and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,


I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert L. Thornton  
Robert L. Thornton  
Supervising U.S. Probation Officer

/s/ Thomas E. Sheppard  
Thomas E. Sheppard  
U.S. Probation Officer  
310 Dick Street  
Fayetteville, NC 28301-5730  
Phone: (910) 483-8613  
Executed On: March 31, 2011

**ORDER OF COURT**

Considered and ordered this 4 day of April, 2011, and ordered filed and made a part of the records in the above case.

  
James C. Dever III  
U.S. District Judge